



PATENT
03936-P0001B WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul Bale, et al.	
Serial No.: 10/672,625	Conf. No.: 8081	Filing Date: September 26, 2003
Title of Application:	Central Network For Vehicle Dynamics And Ride Control Systems Having Distributed Electronic Control Units	
Group Art Unit: 3683	Examiner: Williams, Thomas J.	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Reply Brief Under 37 CFR §41.41

Dear Sir:

Having received the Examiner's Answer, Appellant submits this Reply Brief
for the above-captioned application pursuant to 37 C.F.R. §41.41 as follows.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: : Mail Stop Appeal Brief – Patents; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

June 9, 2006

Tamara L. Millikan
Tamara L. Millikan

Response to Argument

Most of the arguments presented in the Examiner's Answer were presented during prosecution, and thus, have already been dealt with in Appellant's Appeal Brief. Appellant submits this Reply to briefly elaborate on issues raised in the Examiner's Answer.

Enablement Rejection

Applicant respectfully points out that a significant portion of Applicant's Appeal Brief is devoted to addressing the Examiner's enablement rejection, but that the Examiner has almost completely ignored Applicant's explanations.

With respect to the "control schemes", Applicant has pointed out how this term is explicitly defined in Paragraph [0038] of the Specification itself as comprising "at least one, and preferably a plurality of, rules concerning actuation of actuators 126 in response to various sensor signals 310." Applicant has also pointed out how numerous examples of known types of control schemes are also given in the Specification, such as those for controlling service brakes, emergency brakes, trailer height adjustment, brake systems, suspension systems, anti-lock braking systems, shock-absorbing systems, etc., and that numerous types of control schemes are well-known to those skilled in the art.

With respect to the "conflict resolution scheme", Applicant has pointed out how this term is explicitly defined in Paragraph [0040] of the Specification itself as comprising "one or more rules concerning how to resolve conflicts between other rules." Applicant has also pointed out how multiple specific examples of conflict resolution schemes are expressly provided in the Specification. ("These

conflict control rules may be absolute (e.g., 'Safety scheme rules are always given priority over actuator control scheme rules.'). or may depend upon sensed conditions of the vehicle (e.g., 'When condition A is sensed, the rule contained in actuator control scheme X is given priority over the rule contained in actuator control scheme Y.'). Of course, conflict control rules may be significantly more complicated in order to resolve potential conflicts between a number of actuator control schemes faced with a number of sensed conditions.").

However, the Examiner has completely failed to address these arguments, and has not even attempted to elaborate on why he believes that the definitions and examples included in the Specification as originally filed are insufficient to meet the enablement requirement. Rather, the Examiner makes the broad statement that "However, applicant fails to detail either type of scheme and how each is different from the prior art." Applicant respectfully submits that this statement is patently false, and simply ignores the very specific definitions and examples provided in the Specification.

The Examiner goes on to state "Furthermore, the applicant contends that these types of schemes are well known in the art. Which raises the issue of what exactly is the patentable feature in the claims if the gist of the invention as admitted by the applicant is well known in the art." Applicant respectfully submits that these statements mischaracterize the Applicant's arguments. While Applicant has admitted that many types of control schemes are well known in the art, Applicant has never stated or implied that conflict resolution schemes are known in the art, or that it has ever been known to use two different control schemes, along with a conflict resolution scheme, in a single brake system.

Thus, Applicant respectfully submits that the terms “control schemes” and “conflict resolution scheme” are enabled, in that both terms are explicitly defined in the Specification as originally filed and in that multiple examples of both types of schemes are included in the Specification as originally filed. Applicant further notes that many types of “control schemes”, as that term is defined in the Specification, are well known in the art.

Prior Art Rejection

The Examiner also ignores the definitions and examples of the “control schemes” and “conflict resolution scheme” in the prior art rejections, stating: “This lack of enablement renders it difficult for the examiner to determine what exactly the applicant believes to entail a conflict resolution scheme or a first and second control scheme. Thus the examiner is left to interpret what constitutes a conflict resolution scheme or control scheme.” (emphasis added).

Applicant is at a loss as to why the Examiner believes that he is left to interpret the terms “conflict resolution scheme” and “control schemes” when both terms are explicitly defined in the Specification and when multiple examples of both types of schemes are included in the Specification. Specifically, a “conflict resolution scheme” is explicitly defined as comprising “one or more rules concerning how to resolve conflicts between other rules”, while “control schemes” are explicitly defined as “at least one, and preferably a plurality of, rules concerning actuation of actuators 126 in response to various sensor signals 310.” (emphasis added).


However, since the Examiner apparently prefers to ignore these explicit definitions, he goes on to define the terms much more broadly than the Applicant

chose to define the terms in the Specification itself and, Applicant submits, much more broadly than one of ordinary skill in the art would have defined the terms even if Applicant had not provided explicit definitions in the Specification, such that the cited prior art, Phoenix, can be read as satisfying the claim elements. Applicant respectfully submits that such is improper, and that, as detailed in the Applicant's Appeal Brief, when the terms are properly construed, Phoenix does not anticipate or render obvious any claim of the present application.

For the foregoing reasons, Applicant respectfully submits that the claimed invention embodied in each of claims 1-20 is enabled by the specification and is patentable over the cited prior art. As such, Applicant respectfully requests that the rejections of each of claims 1-20 be reversed and the Examiner be directed to issue a Notice of Allowance allowing each of claims 1-20.

Respectfully submitted,

June 9, 2006


Wesley W. Whitmyer, Jr., Registration No. 33,558
Todd M. Oberdick, Registration No. 44,168
ST. ONGE STEWARD JOHNSTON & REENS
986 Bedford Street
Stamford, Connecticut 06905
(203) 324-6155

Attorneys for Appellant